

REMARKS

Claims 1, 6-12 and 14-19 are pending in the above-identified application. Support for the change to claim 1, as well as the new claims 17-19, is found at the fourth full paragraph on page 7 of the specification, as well as in original claim 5. Claims 7, 8, 10, 14 and 15 have been amended so as to place these claims into appropriate form taking into consideration applicable requirements under USPTO rules.

Issues Under 35 U.S.C. 112

Claims 1-16 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. It is respectfully submitted that all of the presently pending claims comply with all definiteness requirements. For example, claim 1 has been amended to clarify that the recited polishing pad is used to polish metal, and claim 7 has been amended so as to include some structure. Consequently, it is submitted that all of the pending claims comply with all definiteness requirements under 35 U.S.C. 112, such that the above-noted rejection should be withdrawn.

Issues Under 35 U.S.C. 102

Claims 1-16 have been rejected under 35 U.S.C. 102(a) as being anticipated by JP '073 (Japanese Patent Application 2001-311073). This rejection is traversed for the following reasons.

Distinctions Between Present Invention and JP '073

JP '073 discloses a composition useful for chemical-mechanical polishing (CMP) which includes an ion exchange material in a carrier, such as an aqueous medium, e.g., water with a lower alcohol such as glycol, as noted at the bottom of page 19 of the English translation thereof. The ion exchange material may constitute a matrix material, such as a polymer or ceramic, having a plurality of fixed ligands capable of complexing with and/or chelating material produced during a CMP polishing process, such as metals or metal ions produced during the polishing of metal containing layers. Various examples of ion exchange materials and functional groups which are incorporated into these materials are described at pages 22-24 of JP '073.

JP '073 fails to disclose or suggest a pad for polishing metal which is formed from a chelate resin or fiber having a functional group selected from aminocarboxylic acid, aminophosphonic acid or imino diacetic acid, as recited in claim 1, for example.

Therefore, JP '073 fails to provide a basis for alleging anticipation against the claims of the present application.

It is further submitted that JP '073 fails to provide a basis for alleging prima facie obviousness against the present claims, since JP '073 fails to provide any disclosure or suggestion to obtain the metal polishing pad of the present invention having the functional groups recited in claim 1, as well as recited in the other claims directed to other embodiments of the present invention. Consequently, it is submitted that there is no basis for attempting to make a rejection against the present claims in the future under 35 U.S.C. 103(a) based on JP '073.

It is submitted in addition to the above that even if a basis for alleging prima facie obviousness were to be properly alleged against the present claims, such a basis would very likely be rebutted by comparative test data showing unexpected advantageous properties exhibited by the present invention over comparative examples. In this regard, it is noted that enclosed is a Declaration Under 37 C.F.R. 1.132 (the Matsumi Declaration) which shows that in Experimental 1 (present invention) an unexpectedly higher polishing rate is achieved, in contrast to the comparisons of Experimentals 2-4 which employ functional groups outside the present invention. Consequently, it is requested that this

comparative test evidence be taken into account if any basis for alleging prima facie obviousness is discovered in the future.

It is submitted for the reasons stated above that the present claims define patentable subject matter such that this application should now be placed condition for allowance.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months to April 6, 2004, in which to file a reply to the Office Action. The required fee of \$950.00 is enclosed herewith.

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

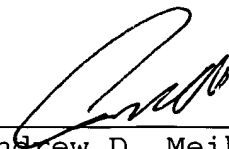
Application Number 10/024,307
Attorney Docket Number 2185-0599P

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of
time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000